

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: 11/4/2020
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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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C.A. INFANT BY MOTHER AND NATURAL  
GUARDIAN JACQUELINE PACHECO AND  
JACQUELINE PACHECO, INDIVIDUALLY,

Plaintiffs,

-against-

INFANT'S  
SETTLEMENT ORDER

18 CV 12304

BOB'S DISCOUNT FURNITURE CORPORATION  
AND JOSEPH CORY HOLDINGS, LLC,

Defendants.  
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The Plaintiffs having moved this Court for an Infant's Settlement Order authorizing and empowering them to settle and compromise this action on behalf of a minor plaintiff, and upon reading and filing the annexed affidavit of JACQUELINE PACHECO verified the 3<sup>rd</sup> day of February 2020, mother, and natural guardian and parent of C.A., a minor, under fourteen (14) years of age, agreeing and consenting to the settlement of the action, and upon the annexed affirmation of Thomas P. Markovits, Esq., of Mirman, Markovits & Landau, P.C., attorneys for the Plaintiffs dated the 20<sup>th</sup> day of February 2020 in support of the application and it appearing that it is in the best interests of the minor plaintiff to settle and compromise the action ,

**NOW**, on motion of Thomas P. Markovits, Esq., of Mirman, Markovits, & Landau, P.C. it is

**ORDERED**, that Jacqueline Pacheco, the parent of the infant C.A., be and is hereby authorized to enter into a compromise of the infant's cause of action for the sum of \$35,000.00 in full settlement of this action, and it is further,

**ORDERED**, that out of the said total sum there be paid to MIRMAN MARKOVITS & LANDAU, P.C. by the Defendant the sum of \$ 11,666.00 inclusive of all costs and disbursements as their compensation pursuant to the retainer agreement entered into by the parent on behalf of the infant an in accordance with the fee schedule permitted in the First Judicial Department of the Appellate Division First Department and the Office of Court Administration of the State of New York; and it is further,

**ORDERED**, that out of the said total sum there be paid to DEPARTMENT OF SOCIAL

SERVICES by the Defendant the sum of \$1,024.61 as their final medical lien; and it is further,

**ORDERED**, that the balance of the said settlement, to wit the sum of \$22,309.39, be paid by defendant to the said parent jointly with an officer of Apple Bank for Savings located at 110 Church Street, New York, New York 10007 to be deposited in an interest bearing account, in the name of the parent Jacqueline Pacheco, to the credit of the said infant, subject to the further order of this Court; and it is further,

**ORDERED**, that upon presentment of proper proof of age to the depository that the infant has reached eighteen (18) years of age, the said depository shall pay upon demand all the monies in the accounts to the infant named herein; and it is further,

**ORDERED**, that there shall be no partial withdrawals of any of the funds herein by the parent prior to the infant attaining the age of 18 without a further order of this Court which shall retain jurisdiction to hear any requests for partial withdrawals; and it is further

**ORDERED**, that said depository is authorized and directed to maintain at least 100% of said fund in a form of deposit in said depository yielding the highest dividend return to the infant, providing that said fund shall not be in such a form that it will not be all available to the infant when he attains the age of majority, and it is further

**ORDERED** that beginning with the tax year of 2020, and continuing until the infant reaches the age of 18, the Apple Bank for Savings located at 110 Church Street, New York, New York, is directed to pay over to the parent Jacqueline Pacheco upon presentment to said depository of the annual tax return showing income tax due and owing by the infant plaintiff C.A. to the Federal, State, or Local, taxing authorities, sufficient sums to pay the tax due to such taxing authorities and in addition a sum not to exceed \$100 for the preparation of tax returns without further order from this Court; and it is further,

**ORDERED**, that an unredacted version of this Order may be filed under seal pursuant to FRCvP 5.2(d) in order to effectuate and facilitate deposit of the funds with the aforesaid depository herein above mentioned that will include the infant's full name and date of birth on the papers submitted in this Infant's Compromise Order; and it is further,

**ORDERED**, that the cause of action for loss of services of the parent is hereby dismissed, without interest, costs and disbursements, as agreed to by the parent in the parent's said annexed petition, and it is further

**ORDERED**, that the filing a bond is hereby waived.

SO ORDERED.

Dated: November 4, 2020  
New York, New York

A handwritten signature in black ink, appearing to read 'Analisa Torres', is positioned above a horizontal line.

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**ANALISA TORRES**  
United States District Judge